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## **Domestic Security Cooperation: A Unified Approach to Homeland Security and Defense**

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*for Interagency Cooperation*

Fort Leavenworth, Kansas

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# Introduction

The terrorist attacks on 9/11 horrified the world and served as the catalyst for two major wars in the first decade of the 21st Century. In addition, because of its porous borders and open society, the attacks underscored the vulnerability of U.S. homeland security. To counter the threats against the nation, U.S. policy-makers created the Department of Homeland Security (DHS), responsible for homeland security, and its military counterpart, U.S. Northern Command (NORTHCOM), responsible for homeland defense. Working in coordination, these two organizations represented a whole-of-government approach to providing for the security and defense of the U.S.

DHS and the U.S. military differ on the definition of homeland security.<sup>1</sup> This study uses the U.S. military doctrinal definition found in Department of Defense (DoD), Joint Publication (JP) 1-0, *Dictionary of Military and Associated Terms*, which describes homeland security as “a concerted national effort to prevent terrorist attacks within the United States; reduce America’s vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that occur.” The definition serves as a foundation for framing problems associated with homeland security by clearly delineating that the focus of effort is within the borders of the U.S.; whereas the DoD definition focuses on support of civil authorities. DoD defines homeland defense as “the protection of United States sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression or other threats as directed by the President.” Homeland defense serves as one layer in the multi-layered defense of the nation and is a vital part of national defense strategy.<sup>2</sup> This layer, unlike homeland security, is the responsibility of the DoD and focuses on threats outside the nation’s borders.

Even with this layered approach, threats that pose significant danger to national security continue to emerge. At the forefront of these threats are al-Qaeda’s continued aim of conducting a massive attack on U.S. soil and a significant increase of violence caused by Mexican-based transnational criminal organizations (TCO) over control of ungoverned areas along the U.S.-Mexico border. Although the recent death of Osama Bin Laden and increased counterdrug efforts under the Mérida Initiative show that U.S.-led efforts are producing positive results against violent extremist and

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TCOs, when placed in a greater context, these successes are minimal and insufficient to counter growing national security threats.<sup>3</sup> For example, in 2009, federal law enforcement agencies seized about 1.5 million kilograms of illicit drugs passing through the southwest border. This represented “no more than 9 percent of the \$6 to \$7 billion in total proceeds that Mexican [TCOs] derive from the United States each year.”<sup>4</sup>

The TCOs 90-percent success rate of smuggling illegal narcotics into the country provides an attractive way for extremist groups to infiltrate men and material into the nation. Standing on the frontline against this future threat are Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), supported by NORTHCOM's Joint Task Force—North (JTF-North). Although the dedicated men and women of ICE, CBP, and JTF-North risk their lives daily to protect the nation's border, a meager 10 percent success rate highlights that gaps in capability exist within the three organizations that prevent them from effectively controlling cross-border illicit trafficking.

Using the U.S. Army Capabilities-Based Assessment (CBA) model as a guide, the following analysis examines the current operational capabilities of ICE, CBP, and NORTHCOM. The analysis then highlights the capabilities required to combat current and future threats along the southwest border and identifies the gaps between existing and required capabilities. Derived from this analysis is a proposed set of solutions to fill these gaps and leverage existing DoD capabilities. While not all-inclusive, these solutions provide the U.S. government with a framework to build DHS capacity along the southwest border and better counter the threats of growing instability within Mexico.

The CBA model is a three-phased approach to identifying capability needs and gaps and recommending non-materiel or materiel approaches to address them. Phase one, functional area analysis, describes the problem, scenario, and required capabilities. Phase two, functional needs analysis, describes current capabilities and capability gaps. Lastly, phase three, functional solutions analysis, identifies potential solutions through changes in doctrine, organization, training, materiel, leadership and education, personnel, and/or facilities (DOTMLPF).<sup>5</sup>

Cooperation between the U.S. military and civil law enforcement agencies has existed throughout the nation's history; however, significant shifts in the homeland security environment have resulted in separate homeland security and homeland defense lines of effort in the current U.S. approach to national security. This study begins by tracing the evolution of civil-military cooperation from operations to eradicate Ku Klux Klan influence in the southern

states following the civil war to the response to the attacks on 9/11. Using the functional area analysis phase of the CBA model as a guide, the analysis continues by describing threats to homeland security post-9/11, the current threat, the future threat, and the nation's current response strategy. The analysis continues with an assessment of current NORTHCOM, CBP, and ICE capabilities, the required capabilities of these organizations, gaps in existing versus required capabilities, and recommended solutions to fill these gaps. Representing phase two and three of the CBA model, this analysis limits its recommended solutions to changes within the doctrine, training, and organization areas of DOTMLPF, as well as changes in governmental policy. Focusing on doctrine, training, organization, and governmental policy gives strategic leaders options that do not require development of new technologies or increase overall end strength of both DoD and DHS.

Since the creation of NORTHCOM and DHS, both the U.S. military and civilian law enforcement organizations have gained critical experience in the fight against terrorism both inside and outside U.S. borders. At the same time, additional homeland security threats have increased the need for collaboration among governmental agencies and the U.S. military. TCOs operating on and through the nation's southern border underscore this point. Combining the experience and capabilities of a battle-hardened joint force and competent domestic law enforcement agencies provides a powerful tool to counter these emerging threats.

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## **Evolution of Civil-Military Cooperation**

Cooperation among the U.S. military and civil law enforcement agencies has existed throughout the nation's history. Following the defeat of the Confederate Army, the Ku Klux Klan (KKK) emerged as a threat to national security. The KKK (still active at the local level in 2012) uses violence and the threat of violence to thwart perceived challenges to white supremacy and democratic rule.

Labeled a terrorist organization by the federal government in 1871, Congress took action by deploying U.S. military units into the southern states to find, capture, and bring to justice members of the Klan. However, the U.S. military soon realized it was not suited for investigating and finding individuals spread across vast stretches of land and hidden among a sympathetic population. Additionally, because of the Klan's influence over local police forces, they were not trustworthy.

Dismantling the Klan required men with investigative skills,

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experience in managing intelligence from human sources, loyalty to an institution outside of southern influence, and authority to execute criminal justice activities. The U.S. government found these men in the already established U.S. Secret Service. In one of the first examples of U.S. federal law enforcement and military cooperation, the use of the Secret Service in the south to defeat the national threat posed by the KKK was a resounding success. By the end of 1872, a hailstorm of federal convictions effectively marginalized the organization's influence.<sup>6</sup>

The War with Spain in 1898 serves as a point of departure from the cooperative U.S. military-federal law enforcement approach to homeland security. With a more global view and the realization that its porous borders were vulnerable, policy-makers had to "develop and refine American domestic legal, defense, and policing institutions" to counter emerging threats to the nation.<sup>7</sup> Prior to the war, the U.S. focused on defending against threats to its natural borders with its military. However, the defeat of Spain brought new security responsibilities, namely, the Philippines. With its newfound responsibility to protect a people outside its borders, the U.S. government re-oriented the military from a mainly defensive force to an expeditionary force. This new mission created a domestic, homeland-security gap.

Policy-makers sought a strategy that guaranteed U.S. military surge capacity for expeditionary operations, while maintaining the capacity to defend the homeland. The solution was to federalize the National Guard. The Dick Act, named for Major General Charles Dick, became law on January 21, 1903, and improved state National Guard programs through standardized training (supervised by the regular army), improved equipment, and federal funding. In addition, Section 4 of the law gave the President the authority to activate the National Guard "whenever the United States is invaded, or in danger of invasion from any foreign nation or of rebellion against the authority of the Government of the United States."<sup>8</sup> Because the law assumed its primary federal role would be to provide individual volunteer replacements to future wartime armies, there was no system to ensure unit cohesion and capability during times of need. Because of their disorganization and primary allegiance to state governors,<sup>9</sup> leaders in Washington viewed National Guard units as unreliable. The next attempts at federalizing the National Guard sought to correct this oversight.

Over the next 12 years, two major additions to the law solidified the solution to the problem of domestic security. The first addition, passed by Congress in May 1908, removed the Dick Act's nine-month service constraint and allowed the President to dictate the length of service based on the threat. The second addition, the

National Defense Act of 1916, created the U.S. Army Reserve and the Reserve Officer Training Corps and classified the National Guard as an integral part of the U.S. Army when in federal service. These additions to the law ensured a trained pool of military-aged males and gave more federal control over the National Guard.

However, as the U.S. military focused beyond the nation's borders, a single layer approach to homeland security and defense was no longer capable of combating the threats to the nation. The creation of the Federal Bureau of Investigation (FBI) in 1908 added an additional internal security layer to the U.S. homeland security and defense approach. The U.S. now possessed the military and law enforcement organizations it needed for a multi-layered approach to homeland security. However, the onset of World War I (WWI) set the conditions for an unprecedented response by the U.S. government to counter the perceived threats to the homeland.

WWI forced the U.S. to enter unknown territory in homeland security. Fueled by an influx of immigrants, the rise of militant labor unions, growth of communist and socialist political groups, widespread opposition to U.S. involvement in the war, and strong opposition to a draft, American fears began to escalate.<sup>10</sup> And not all fears were unwarranted.

Prior to the U.S. entering the war in 1917, German intelligence operatives were active within the nation's borders, introducing German propaganda, encouraging labor disputes, and planning bombing attacks throughout the country. The plots, uncovered by the Secret Service, indicated the U.S. had an existing threat to homeland security and an inadequate counterintelligence capability to respond to the threat. The initial U.S. government response in 1916 empowered the FBI to conduct noncriminal investigations under the direction of the U.S. Attorney General.<sup>11</sup>

Beginning in 1917, President Woodrow Wilson developed policies to counter the threats to homeland security that included the Espionage Act of 1917 and the Sedition Act of 1918. The Espionage Act of 1917 outlawed interfering with any aspect of the U.S. military during times of war punishable "by a fine of not more than \$10,000 or imprisonment for not more than twenty years or both."<sup>12</sup>

The Sedition Act of 1918 broadened this law by including the U.S. government and prohibited uttering, printing, writing, or publishing "any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the flag of the United States, or the military or naval forces of the United States" and punishable "by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both."<sup>13</sup> Both laws sought to limit anti-war and anti-American sentiments and gave further authority to the executive branch of the government to execute the laws.

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By the end of WWI, the FBI had grown from nine agents in 1908 to more than 225 agents in 1918, and its budget tripled from 1914 to 1918.<sup>14</sup> Increased workforce, resources, and authority resulted in the internment of over 2,300 illegal aliens and thousands of arrests of draft dodgers, radicals, and other “suspicious” people of interest.<sup>15</sup>

During the inter-war period as the result of a series of threats to homeland security ranging from the fear of communist infiltrations of American institutions to organized crime syndicates during the period of Prohibition, the FBI’s authority and resources continued to grow, while the U.S. military drastically reduced its forces. However, as a new war began to escalate in Europe, new national security threats required a more synergistic relationship between the military and the FBI.

Prior to WWII, intelligence collection responsibilities fell on the U.S. military and the FBI. The military was responsible for collection outside the borders of the U.S., and the FBI was responsible for counterespionage internal to the nation and its territories. The stove-piped systems required coordination between the two organizations to provide the overall intelligence picture necessary for homeland security and defense. However, cultural differences and power struggles made coordination between the military and FBI problematic, which led to missed opportunities and misguided decisions, such as the internment of over 100,000 Japanese-Americans.<sup>16</sup>

With the lessons from WWII still fresh in policy-makers’ minds and the onset of the Cold War, the stage was set for massive reforms to the U.S. approach to homeland security and defense. In his book *A History of the American People* Paul Johnson asserts, “What was now required, from America, as it was committed to a global strategy of military, diplomatic, and economic outreach, were institutional and structural changes.”<sup>17</sup> These changes came from the Truman administration with the enactment of the 1947 National Security Act, which created the DoD, Central Intelligence Agency (CIA), and the National Security Council.

Prior to WWII, the U.S. government focused most of its efforts on homeland security. However, the rising threat posed by the Soviet Union catapulted homeland defense and the DoD to the top of the agenda, because the U.S. military provided the means to contain communist expansionism and deter a nuclear war. Until the Soviet Union’s collapse, beginning in 1989, the combined strategies of containment and deterrence served as the centerpiece of security policy for all post-WWII administrations.

The military approach to homeland defense during the Cold War, referred to as the “Transoceanic Era” by Krepenovich and Work, consisted of basing large numbers of combat troops on foreign soil.<sup>18</sup>



For the first time in the nation's history, the U.S. possessed a large, standing, peacetime military capable of projecting power outside its borders to protect national interests. The forward-based military created to contain and deter Soviet expansionism and nuclear attack solidified the role of the DoD as the primary means for providing defense-in-depth. Crucial to this approach and further evidence of a shift in U.S. military domination over homeland security and defense was the establishment of the North American Treaty Organization (NATO) in the spring of 1949.

During this period, federal law enforcement agencies played a secondary role in homeland security. Confident the DoD and organizations such as NATO would provide the necessary layers to defend the nation, federal law enforcement agencies reverted to the pre-WWII role of counterespionage and criminal investigation.

However, with the U.S. entry into the conflict in Vietnam, federal law enforcement again found itself focusing on internal threats to national security. Federal law enforcement agencies began to investigate the various college-based movements across the country, viewed as communist by President Johnson's administration. In the end, the FBI determined the anti-war protest groups were not communist sympathizers.<sup>19</sup>

As the Vietnam War era ended, a new decade of national security issues emerged. President Ronald Reagan instilled new vigor into the effort to defeat communist expansionism and improve homeland defense. President Reagan believed Russia was a fundamentally flawed power economically and its will to match the West in global defense would eventually falter and crack.<sup>20</sup> Doubling the U.S. national defense budget between 1981 and 1988, President Reagan set conditions for a rebirth of the post-Vietnam military. The reinvigoration of military spending resulted in initiating research for an anti-ballistic missile program known as the Strategic Defense Initiative, forming rapid deployment forces, accelerating the development and deployment of cruise missiles, and developing the stealth bomber. By the end of Reagan's presidency, the U.S. possessed the most powerful and technologically advanced military in the world.

The new U.S. war machine proved itself against the Iraqi army in the first months of 1991. Operation Desert Storm took 42 days, including the air and land campaigns, and successfully ousted Saddam Hussein's army from Kuwait. During this same timeframe, the Soviet Union ceased to exist, and the Cold War ended. While these two events solidified the U.S. as the world's sole super-power and provided a sense of invulnerability, they also marked the beginning of a period of uncertainty regarding threats to the nation.

During this period of uncertainty, President Bill Clinton took a

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different approach to homeland security and defense. Outlined in the National Security Strategy 1995, President Clinton focused on engagement and enlargement. This approach viewed terrorism as a legal rather than a military matter. With this strategy, President Clinton sought to “fully exploit all available legal mechanisms to punish international terrorists.”<sup>21</sup> For example, the 1993 bombing of the World Trade Center and the 2000 attack on the USS Cole resulted in FBI-led criminal investigations. When President Clinton did take military action, he utilized the hi-tech weaponry of cruise missiles developed under the Reagan administration and later showcased in Desert Storm.

Since the end of the Civil War, the nation’s approach to homeland security and defense has continually evolved. Initially, the U.S. military provided both homeland security and defense. After the Civil War, the U.S. military no longer possessed all of the capabilities necessary for the combined security and defense of the nation. Cooperating with federal law enforcement agencies proved decisive in defeating internal threats to homeland security prior to the Spanish American War. As the U.S. became a global power, the emphasis for expeditionary and projected power became the impetus of protecting the nation, and the emphasis on homeland security and defense fluctuated based on major conflicts: during peace, the emphasis was on homeland security; during war, the emphasis was on homeland defense. During the Cold War, security organizations focused more and more on criminal activity as opposed to threats to the overall security of the nation. President Reagan’s post-Vietnam military revival reinforced the military-dominated approach to homeland security and defense. The defeat of the Iraqi army and end of the Cold War in 1991 reinforced the confidence in the approach of the past 50 years. The nation’s institutions became reliant on the technologically-advanced and rapidly-deployable military to provide for the safety of the nation. This sense of security was shattered on September 11, 2001. The nation was not invulnerable.

# Homeland Security and Defense Post 9/11

At 8:46 am on September 11, 2001, American Airlines Flight 11, one of four hijacked airplanes in the sky that day, crashed into the North Tower of the World Trade Center. Exactly 15 minutes later, United Airlines Flight 175 hit the South Tower. At 9:37 am, American Airlines Flight 77 struck the Pentagon. By 10:02 am, United Airlines Flight 93, the last hijacked plane, crashed into a field in Shanksville, PA, unable to reach its intended target somewhere in Washington, DC. In less than two hours, the four hijacked airliners had exacted a heavy toll in terms of loss of human life and infrastructure. The attacks highlighted the shortfalls in the U.S. approach to homeland security and defense adopted after the end of the Cold War.

The immediate problem for national leaders on 9/11 was the security of U.S. airspace, which fell on the Federal Aviation Administration (FAA) working with the North American Aerospace Defense Command (NORAD). At the time, the system for handling a hijacked airplane began with the air carrier contacting the FAA, who in turn contacted NORAD for military support. However, on 9/11 both the FAA and NORAD responded to a scenario neither agency anticipated—a suicide hijacking originating from within the continental U.S. Without clear protocols to handle such an event, the White House improvised a homeland defense.<sup>22</sup>

The flawed focus of the FAA and NORAD on 9/11 represented only one aspect of the homeland security and defense approach that failed to prevent the attacks. During the post-9/11 investigation, it became apparent to investigators that information regarding the terrorist plot existed prior to the event. Beginning in January 2000, the National Security Agency, CIA, and FBI began accumulating crucial information regarding the al-Qaeda hijackers. In addition, by March 2001, multiple intelligence and law enforcement organizations, to include the FBI and CIA, reported that an attack on U.S. soil was imminent. However, in September 2001, these agencies were operating under a national security approach geared to their specific agencies' requirements and not to a joint operating mindset.<sup>23</sup>

In the aftermath of the attacks, the George W. Bush administration undertook a massive restructuring of the organizational and operational approach to homeland security and defense. This restructuring included establishing the U.S. Northern Command and Department of Homeland Security. The two organizations represented a concerted effort to integrate the elements of national power against future threats to the U.S. The goal of this new

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approach was to streamline military assistance to civilian authorities, inculcate national preparedness, and mitigate threats to the nation.<sup>24</sup> These organizations serve as the foundation of the U.S. approach to homeland security and defense today.

## **THREATS POST-9/11**

The events of 9/11 highlighted the capability of non-state actors to strike at strategic targets within the U.S. The geographic position of the U.S. no longer guaranteed immunity from direct attack on its population, territory, and infrastructure. Threats by groups such as al-Qaeda have become the primary focus of national security specialists and policy-makers, and a 2010 poll indicated U.S. households ranked terrorism as one of their three top concerns for the nation.<sup>25</sup> However, threats to homeland security include more than just terrorism; they also include threats of widespread pandemics and natural disasters.

Terrorism threats to homeland security fall into three categories: al-Qaeda; al-Qaeda affiliates and allies; and homegrown terrorism. Between 2001 and 2010, the FBI documented twenty-seven cases of terrorism. Interestingly, al-Qaeda was directly responsible for only five of the twenty-seven plots. Affiliates accounted for three, and most surprisingly, homegrown-violent extremists accounted for sixteen incidents, roughly 60 percent of the terrorist plots within the U.S.<sup>26</sup> Of these homegrown plots, six targeted the civilian population; five targeted the U.S. military; two targeted mass transit; one targeted the U.S. government; and two targeted a combination of civilian population, U.S. government, financial, and aviation.<sup>27</sup> Although homegrown violent extremists accounted for the majority of domestic terrorist plots, only two of the sixteen were successful. One resulted in the death of a U.S. Soldier at an Army recruiting station in Little Rock, AR, and the other resulted in thirteen deaths at Fort Hood, TX.

By the end of the decade, many intelligence analysts agreed that international counterterrorism efforts degraded al-Qaeda's ability to plan, resource, and conduct attacks, but its influence over other extremist groups and affiliates, including Yemen-based al-Qaeda in the Arabian Peninsula and the Somalia-based al-Shabaab, was on the rise.<sup>28</sup> These groups are responsible for facilitating terrorist plots within the U.S., such as the failed 2009 bombing of a commuter jet over Detroit and the failed 2010 air cargo bomb plot.

Threats of terrorism within the homeland have dominated the post 9/11 environment; however, Hurricane Katrina and the H1N1 virus highlight the potential threats to homeland security caused by natural disasters and pandemics. Hurricane Katrina caused damage over 90,000 square miles, killed over 1,300 people, and required

a military response force of 70,000 active-duty and National Guardsmen.<sup>29</sup> Additionally, the 2009 H1N1 outbreak brought the sobering possibility of a highly contagious virus capable of killing over 2 million U.S. citizens.<sup>30</sup>

Terrorism, natural disasters, and pandemics highlight today's major threats to homeland security; however, the upsurge in violence along the southwest border is quickly becoming just as dangerous and could have far-reaching consequences.

## **CURRENT THREAT**

Instability along the nation's southwest border is potentially the most significant threat to homeland security over the next decade. The DHS admits, "Transnational criminal organizations that have expanded efforts to cross our borders with illicit goods, currency, and trafficked persons represent a growing threat to the prosperity, security, and quality of life of U.S. citizens at home and abroad."<sup>31</sup> The DoD shares the same concern. On April 13, 2011, while addressing the Trilateral Seminar, Admiral James A. Winnefield, former commander of NORTHCOM, remarked, "As we [the U.S., Canada, Mexico] know, the TCOs are vicious in the extreme, better armed than our police forces, very well financed, diversified, and increasingly sophisticated in their methods. In fact, we now see TCOs using military equipment and tactics, including... submarines to move illegal drugs [into the U.S.]." The evolving capability and sophistication of the TCOs underscore the emerging threat to U.S. national security. As outlined in the Customs and Border Protection 2005–2010 Strategic Plan, non-state actors such as al-Qaeda, "continue to look for ways to circumvent U.S. security enhancements to strike Americans and the homeland" and seek "to exploit the capabilities of established... smuggling networks, particularly on the southwest border." In a worst-case scenario, non-state actors leveraging the established TCO infiltration routes could possibly infiltrate and detonate a weapon of mass destruction within the homeland. Understanding this worst-case scenario requires a greater understanding of threat.

Numerous TCOs operate throughout the Western Hemisphere. The majority link directly to or support the ever-expanding global drug trade. Support for the drug-trade network spans from gangs to criminal states, such as Venezuela, and this support takes "advantage of the legal, economic, and geographic interconnectedness of the hemisphere."<sup>32</sup> To further their aims, criminal networks use the land, air, and sea domains to move goods, information, and personnel. With annual revenues in the billions of dollars, these organizations possess the means to continue their activities and the potential to outpace U.S. counter efforts.

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The recently published, Department of Justice National Drug Threat Assessment 2011 highlights six major trafficking sources conducting operations in the U.S: Mexican, Columbian, ethnic Asian, Dominican, Cuban, and West African. The following threat analysis focuses on the major criminal organizations operating within Mexico. According to the Justice Department's assessment, Mexican-based TCOs and their associates control the supply and wholesale distribution of most illicit drugs in the U.S.

According to the Justice Department assessment, the seven leading Mexican-based TCOs are the Sinaloa cartel, Los Zetas, the Gulf Cartel, La Familia De Michoacan, the Juarez cartel, the Beltran Leyva Organization (BLO), and the Tijuana cartel. These organizations compete with each other for control of the drug trade and routes leading into the U.S. The violence along the southwest border is the byproduct of this competition.

The Sinaloa cartel controls almost one-half of the drug trade in Mexico.<sup>33</sup> Led by Joaquin "El Chapo" Guzman, the cartel is organized into a federation of smaller organizations, which makes it difficult to dismantle. Controlling most of the west coast of Mexico, the Sinaloa cartel mainly crosses into the U.S. through various entry points along the Arizona border.

Although the Sinaloa cartel is currently the largest cartel in Mexico, Los Zetas is arguably the most deadly. Founded by former special operations members from the Mexican military, the organization's inherent combat training and knowledge provide a tactical advantage over local and federal law enforcement officials. Initially acting as guns-for-hire for the other Mexican-based cartels, Los Zetas quickly established themselves as a violent, enforcer gang with military-level expertise in intelligence, weaponry, and operational tactics. The founding members of Los Zetas were, "reportedly trained at Fort Benning, GA, in special tactics, surveillance and counter-surveillance, urban warfare, prison escape, hostage rescue, explosives use, and high-tech communications."<sup>34</sup> In 2009, Los Zetas took its training, knowledge, and experience and formed its own drug-trafficking cartel. However, Dr. Max Manwaring, a professor of military strategy in the Strategic Studies Institute at the U.S. Army War College, posits that Los Zetas ambitions do not stop at drug trafficking alone. He asserts the organization aims to "expand operations into the territories of other cartels—and further challenge the sovereignty of the Mexican state."<sup>35</sup>

The La Familia cartel gains control of the populace and furthers its aims by infiltrating social, political, and religious organizations. La Familia uses religion to portray the group's assassinations of other cartel members and government officials as "divine justice."<sup>36</sup> By using religion as a means to justify nefarious acts, La Familia

is similar to Islamist organizations such as al-Qaeda. Use of this technique could pose a significant problem to the Mexican government and U.S. homeland security agencies.

In 2009, President Obama designated the Sinaloa, Los Zetas, and La Familia cartels as foreign narcotics kingpins, which denies them, their related businesses, and their operatives access to the U.S. financial system and prohibits all trade and transactions between these cartels and U.S. companies and individuals.<sup>37</sup> In July 2011, President Obama issued Executive Order 13581, which froze all property or assets belonging to the Los Zetas cartel because the organization constitutes “an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.”

Although these three cartels currently dominate the illicit trafficking operations along the southwest border, the remaining four TCOs (Juarez cartel, Tijuana cartel, Gulf cartel, and the BLO) continue to influence the operating environment, albeit on a lesser scale. All Mexican-based TCOs share a strategic aim to make profit. In many cases, crackdowns on cross-border drug smuggling force the TCOs to look at different ways to turn a profit. In recent years, almost every cartel has branched out into other forms of crime, including kidnapping and arms smuggling, to make up for lost revenue.<sup>38</sup> Increased security along the nation’s border requires more elaborate and technologically-advanced methods of moving goods.

TCOs operating within Mexico harness land, sea, and air to move their products into and their money out of the U.S. Some of these methods are simple, such as a vehicle or personnel carrying the product across the border. Some methods are so technologically advanced they conjure visions of nation-state think tanks with unlimited research and development budgets. Ultra-light aircraft, semi-submersible watercraft, and tunneling all serve as examples of the more sophisticated methods TCOs currently use to move their products. In addition, TCOs have the latest in modern weaponry as evidenced by a recent report from Reuters where a bag, believed to belong to a drug cartel, containing a rocket launcher, grenade launcher, and three packages of what appeared to be C-4 explosives was discovered along the Texas-Mexico border.<sup>39</sup>

The discourse over the ever-expanding and increasingly sophisticated scope and methods of Mexican-based TCOs continues to gain momentum among homeland security strategists. Many strategists blame the increasing violence along the southwest border to the U.S. drug-abuser’s unquenchable thirst for illicit narcotics. Remarks by Secretary Hillary Clinton in 2009 attest to this assertion: “We have accepted that this [fight against TCOs] is a co-responsibility [between the U.S. and Mexico]. We know very well that the drug traffickers are motivated by the demand for illegal

**In recent years, almost every cartel has branched out into other forms of crime, including kidnapping and arms smuggling, to make up for lost revenue.**

drugs in the United States.”<sup>40</sup>

However, others liken the events in Mexico to a “criminal insurgency.” Army Field Manual (FM) 3-07, *Stability Operations*, defines insurgency as an, “organized movement aimed at the overthrow of a constituted government through use of subversion and armed conflict.” However, FM 3-24, *Counterinsurgency*, also states, “an insurgency is an organized, protracted politico-military struggle designed to weaken the control and legitimacy of an established government, occupying power, or other political authority while increasing insurgent control.” Using this definition, Robert Killbrew asserts that TCOs operating within Mexico “are not simply a crime problem anymore, but a growing threat that is metastasizing into a new form of criminal insurgency.”<sup>41</sup> Seen through this lens, the problem for U.S. law enforcement agencies becomes one of counterinsurgency.

### **FUTURE THREAT**

**The fear of another spectacular attack by al-Qaeda still dominates the current and future threat environment.**

The fear of another spectacular attack by al-Qaeda still dominates the current and future threat environment. As U.S. and coalition efforts to defeat al-Qaeda become more successful, the terrorist organization continues to shift its focus to training, resourcing, and inspiring affiliate groups to strike at the U.S. Uncovered by U.S. law enforcement agencies, the disrupted plots of al-Qaeda and its affiliates evidence a combination of small- and large-scale attacks. Despite this approach and even after the death of Osama Bin Laden, al-Qaeda still seeks to conduct a large-scale attack within the U.S. This assertion coupled with the increasing affiliation of extremist organizations and the means of infiltration provided by Mexican-based TCOs provide a foundation for the future threat to U.S. homeland security.

In 2010, the U.S. Army published its future operating concept for the years 2016 to 2028. The concept describes how future Army forces conduct operations as part of the joint force to “deter conflict, prevail in war, and succeed in a wide range of contingencies in the future operational environment.”<sup>42</sup> In this concept, the U.S. Army categorizes the future threat environment into a most likely and most dangerous scenario; the first being the continued threat of violent extremist groups and the second being a nation-state possessing weapons of mass destruction intent on using it against targets within the U.S. However, the U.S. Army concept also posits a third dangerous alternative—the threat of an individual or extremist organization employing a nuclear device in the U.S.

Though neither most likely nor most dangerous, the threat of an individual or extremist organization employing a nuclear device in the U.S. is the most dangerous alternative. As worldwide proliferation



of nuclear capabilities continues, adversarial regimes and extremist groups are likely to gain control of nuclear materials that, in turn, could be made available to rogue scientists. The U.S. has only a limited ability to detect and track nuclear components, and porous borders do little to prevent the movement of nuclear devices into or around the U.S. This limitation makes the U.S. vulnerable to such an attack.<sup>43</sup>

There are three reasons this alternative scenario is plausible. (1) Mexican-based TCOs are seeking out other forms of revenue (ends). (2) Violent extremist groups, such as al-Qaeda, continue to pursue attacks within the U.S. and possess the monetary means and influence required to carry out these operations (ends and means). (3) Mexican-based TCOs have the capability to conduct illicit trafficking along the southwest border (ways).

Facilitating this future scenario is the continued deterioration of the Mexican government's control over its territory. Since December 2006, when Mexican President Felipe Calderon took office, drug-related violence within Mexico claimed over 47,500 lives,<sup>44</sup> which is an average of over 9,500 lives per year through the end of December 2011. Comparatively, this number is on par with the number of American lives lost during the most difficult years of the Vietnam War.<sup>45</sup> Although much of the loss of life directly attributes to competition among drug cartels, it is a growing sign of the inability of the Mexican government to govern its people and further weakens its credibility. This weakening of Mexican control over its territory has a direct impact on the security of the U.S.

In 2008, Joint Forces Command (JFCOM) identified the collapse of the Mexican government as one of two worst-case scenarios for the U.S. military: "[Mexico's] government, its politicians, police, and judicial infrastructure are all under sustained assault and pressure by criminal gangs and drug cartels....Any descent by Mexico into chaos would demand an American response based on the serious implications for homeland security alone."<sup>46</sup> Two years later JFCOM assessed that for the near future "the Mexican government will remain severely challenged as its primary focus is its fight against these formidable non-state groups."<sup>47</sup> Other high-ranking officials share this assessment. In a recent statement to a Congressional subcommittee, retired General and former Clinton Administration Drug Czar, Barry McCaffrey remarked, "Mexican drug trafficking organizations are active in Texas, and their tentacles extend throughout the United States. . . .We cannot allow local U.S. sheriffs' departments and state authorities along our two-thousand-mile border with Mexico to bear a disproportionate responsibility for defending America from large, violent, well-resourced, criminal organizations."<sup>48</sup>

**...weakening of Mexican control over its territory has a direct impact on the security of the U.S.**

Further weakening of the Mexican government in the near future will undoubtedly result in degraded government control of the trafficking lines of operation. In addition, the continued success of anti-narcotics operations by both the U.S. and international law enforcement agencies will force Mexican-based TCOs to seek alternate means of profit. The persistent aims of al-Qaeda and its affiliates coupled with their ability to finance operations represent not only a dangerous alternative, but also one that seems both most likely and most dangerous to U.S. national security.

## **RESPONSE POST-9/11**

NORTHCOM became a geographic combatant command in October 2002 after President George W. Bush signed the updated Unified Command Plan. Located in Colorado Springs, CO, NORTHCOM “partners to conduct homeland defense, civil support, and security cooperation to defend and secure the United States and its interests.” The commander of NORTHCOM also commands the NORAD. The command’s area of responsibility extends 500 miles beyond the coast of the continental U.S. and includes Canada and Mexico. Although the command has few assigned forces, eight subordinate headquarters provide coverage of the command’s area of responsibility– Joint Task Force-Alaska (JTF-Alaska), JTF-North, Joint Task Force Civil-Support (JTF-CS), Joint Force Headquarters National Capital Region (JFHQ-NCR), Army North, Air Force North, U.S. Fleet Forces Command, and U.S. Marine Forces Northern Command.<sup>49</sup> In addition, NORTHCOM coordinates the response to domestic events and commands Guard units serving in a federal, homeland-security capacity.<sup>50</sup>

**Despite the support of the entire U.S. military, NORTHCOM must operate within the legal framework of the Posse Comitatus Act that prevents the military from participating in law enforcement without direct approval by the Secretary of Defense or President.**

Despite the support of the entire U.S. military, NORTHCOM must operate within the legal framework of the Posse Comitatus Act that prevents the military from participating in law enforcement without direct approval by the Secretary of Defense or President. Originally created in response to allegations that the U.S. military influenced voters during the 1876 Presidential election, the Posse Comitatus Act and military directives explicitly prohibit federal troops from providing direct assistance to law enforcement organizations in the areas of interdiction, search and seizure, arrest, and surveillance. The Posse Comitatus Act does not apply to National Guard personnel when not in federal service.

Although the Posse Comitatus Act precludes active assistance, active-duty military can provide passive assistance (loaning equipment, sharing intelligence, and providing training) to law enforcement agencies. For example, the 2007 Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3710.10B, which provides authority and guidance to military commanders concerning domestic

counterdrug and law enforcement support activities, allows for the use of military assets domestically only when requested from a local, state, or federal law enforcement agency and approved by the Secretary of Defense.

The military refers to this passive assistance as civil support operations. Joint military doctrine subdivides civil support operations into three categories: domestic emergencies, designated law enforcement support, and other activities.<sup>51</sup>

Besides support to law enforcement agencies, the U.S. military may play a significant role in homeland security during domestic emergencies such as natural disasters, manmade disasters, civil disturbances, and civil defense emergencies. Federal law allows for the use of the military in support of civil authorities through the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). Found in United States Code (USC) Title 42, the Stafford Act states that “during the immediate aftermath of an incident which may ultimately qualify for assistance” the governor of the state may request the President to direct the Secretary of Defense to utilize DoD resources to perform “any emergency work which is made necessary by such incident and which is essential for the preservation of life and property.”

Although available to state governors, the Stafford Act typically applies only in cases where an emergency far exceeds the resources of local, state, and federal civilian organizations. Additionally, because within U.S. borders executive civilian agencies, such as the DHS, serve as lead federal agencies,<sup>52</sup> DoD forces always act in support of civil authorities.

## **EVOLUTION OF THE DEPARTMENT OF HOMELAND SECURITY**

On November 22, 2002, President George W. Bush signed the Homeland Security Act of 2002 and with it created the DHS. In March 2003, DHS became an independent Cabinet-level department charged with coordinating and unifying national, homeland-security efforts. At the outset, the DHS was comprised of 22 agencies to include the U.S. Coast Guard, CBP, and the Federal Emergency Management Agency (FEMA). The department divided itself into four directorates: Border and Transportation Security, Emergency Preparedness and Response, Science and Technology, and Information Analysis and Infrastructure. As the newest member in the Cabinet, the DHS initially focused its full weight on preparing for and preventing terrorist attacks against the U.S., not knowing what other threats to homeland security were lurking around the corner.<sup>53</sup>

On August 29, 2005, Hurricane Katrina, smashed into the Gulf States of Louisiana and Mississippi, leaving in its wake billions of

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Terrorist Attacks  
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national approach  
to domestic  
security adopted  
after the Cold  
War.**

dollars in damage, over 1,300 deaths, and more than a million people without homes. The devastation caused by this Category-5 hurricane highlighted how unprepared federal and state emergency responders were in dealing with catastrophic natural disasters. In the immediate aftermath of the hurricane, Walmart replaced FEMA as the main supplier of essential supplies to the New Orleans region.<sup>54</sup> Because of the inadequate response, President Bush signed the Post-Katrina Emergency Reform Act, which consolidated a broad spectrum of disaster relief functions under FEMA.

In January 2010, DHS released the Quadrennial Homeland Security Review Report (QHSRR), which provides a strategic framework to guide homeland-security activities toward common goals. Representing just over seven years of maturation, the document clearly delineates the department's five core missions and provides goals and objectives for each. In addition, the review provides a set of strategic aims and subsequent objectives for improving the U.S. homeland-security approach. One of these strategic aims, "foster unity of effort," expressly states the necessity of collaborating with DoD to enhance DHS capability for both defense and homeland security. This strategic objective acknowledges that the combined efforts of both military and civilian agencies are required to deter, prevent, and defeat current threats.

Public Law 107-306, passed on November 27, 2002, created the National Commission on Terrorist Attacks Upon the United States and tasked the Commission to investigate the events of that day and report its findings. The report concluded the nation was unprepared and highlighted the need for major changes in the national approach to domestic security adopted after the Cold War.

This new approach, highlighted by the creation of NORTHCOM and DHS, represents the largest reorganization of the federal government since the National Security Act of 1947. These two organizations seek to provide a layered, homeland defense; the U.S. military focuses outside the nation's borders and civilian agencies focus inside. NORTHCOM and DHS ensure collaboration and cooperation between the two layers as they continue to evolve to ever-changing homeland security conditions highlighted in the DHS QHSR.

## **HOMELAND SECURITY AND DEFENSE TODAY**

Currently NORTHCOM is involved in a number of joint military and interagency activities, including air defense of the nation's capital, support to law enforcement agencies along the northern and southern U.S. borders, theater-security cooperation with Canada and Mexico, and missile defense. In addition, NORTHCOM also provides military support for fighting wildfires and assisting in

natural disaster recovery efforts. For the purposes of this analysis, the remainder of the discussion will focus on the command's support to such diverse missions as the CBP and ICE. This support, provided by JTF-North, currently falls into six general categories: operational, intelligence, engineering, general support, interagency synchronization, and technology integration.<sup>55</sup>

In 2004, JTF-North (originally Joint Task Force-6) assumed its current mission of supporting law enforcement agencies in the conduct of counterdrug/counter-narco-terrorism operations in NORTHCOM's area of responsibility.<sup>56</sup> From 2010 to 2012, JTF-North supported law enforcement agencies operating on the southwest border. JTF-North's missions included road improvement, barrier emplacement, ground sensor emplacement, training, and intelligence gathering on border penetrations.

## Capabilities Assessment

The “ends and means” of extremist groups, such as al-Qaeda in the Arabian Peninsula coupled with the “ways” of Mexican-based TCOs make the dangerous alternative—the threat of an individual or extremist organization employing a nuclear device in the U.S—a realistic scenario. Preventing this combination of ends, ways, and means is a problem not only for the U.S. military, but also for law enforcement agencies. How do they prevent this scenario from becoming reality?

The CBP and ICE are the front-line defense against this emerging threat, but some critics oppose this approach and prefer the U.S. military assume responsibility for border security. However, the issue is not as black and white as what the critics may argue. Although, the U.S. military has ten years' experience fighting insurgencies in Iraq and Afghanistan, short of a national emergency, federal laws prevent such action. In addition, CBP and ICE have proven themselves capable of protecting the nation's borders. An ideal solution is one where the U.S. military leverages the lessons learned from ten years of countering an irregular threat overseas to assist the CBP and ICE in their efforts.

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### CURRENT NORTHCOM CAPABILITIES

As mentioned earlier, NORTHCOM currently has eight subordinate commands to conduct its homeland defense and defense support of civil authorities (DSCA) operations. However, four of the commands (Army North, Air Force North, U.S. Fleet Forces Command, and U.S. Marine Forces Northern Command) serve as service-component headquarters. Each of the service-component

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commands possesses the capability to command and control its service's unique capabilities in the event of a DSCA operation, but each has very few assigned forces and therefore few capabilities to assist efforts on the southwest border.

The remaining four subordinate commands (JTF-North, JTF-Alaska, JTF-CS, and JFHQ-NCR) have very few assigned forces as well. All of them possess the capability to command and control forces when assigned by the Secretary of Defense or President; however, JTF-Alaska and JFHQ-NCR focus their capabilities in Alaska and the National Capital Region respectively, and any capability they possess cannot apply to efforts on the southwest border. This leaves only JTF-North and JTF-CS as the two subordinate headquarters to assess current capabilities as they apply to this analysis.

JTF-North's current capabilities reside in its multi-faceted command and control structure, planning capacity, authority to assist law enforcement agencies in counterdrug operations, and access to the global pool of military capabilities within DoD. JTF-CS's current capabilities reside in its ability to respond to a chemical, biological, radiological, and nuclear (CBRN) incident through its use of CBRN response forces. JTF-CS's CBRN response forces are staffed with 5,000 personnel who possess decontamination, search and rescue, engineer support, security, medical support, aviation support, and logistic support capabilities.<sup>57</sup>

## **CURRENT CBP CAPABILITIES**

The mission of CBP is to keep terrorists and their weapons out of the U.S. and to secure and facilitate trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws. To do this, the organization employs over 21,000 border patrol agents and boasts about having the world's largest aviation and maritime law enforcement organization. In addition to these capabilities, CBP also employs a wide range of technologically advanced sensors and communications equipment. In total, over 85 percent of CBP border officers and their equipment currently operate along the southwest border.<sup>58</sup>

Unlike the doctrine-based U.S. military, the CBP governs its operations through strategic and regulatory guidance. For example, the CPB Strategic Plan 2009-2014, published in July 2009, provides the goals and objectives for the organization in an attempt to unify organizational efforts. Underlying this overarching guidance are specific instructions to the national and international community for the entrance of personnel and goods into the U.S. Referred to as publications, these directives inform personnel entering and exiting the U.S. on regulations ranging from international travel to exporting an automobile. In addition, these guidelines provide

border enforcement agents the authority to carry out their border interdiction duties.<sup>59</sup>

To carry out these duties, the CBP organizes itself along the southwest border in nine sectors. From west to east, these sectors are San Diego, El Centro, Yuma, Tucson, El Paso, Big Bend, Del Rio, Laredo, and Rio Grande Valley. Across the nine sectors, the CBP manages 73 smaller stations. Border patrol officers at these stations carry out the day-to-day enforcement that protects the nation's border. However, when incidents occur that require a more specialized capability, such as reconnaissance, surveillance, or search and rescue, the CBP calls on the border patrol special operations group. Mirrored on the model of U.S. military special operations forces, this group consists of border patrol tactical units; border patrol search, trauma, and rescue; and sector-level, border patrol special response teams.<sup>60</sup>

A unique organization within CBP, the Office of Air and Marine (OAM), supports ground operations along the southwest border. Comprised of 270 aircraft and 280 watercraft, the OAM provides the CBP with the capability to detect and interdict threats to the U.S. border. In the air, the OAM accomplishes detection and interdiction with helicopters, fixed-wing aircraft, and Predator unmanned aerial systems equipped with the latest in sensor technology, including radar and infrared optics. On the water, OAM has six watercraft variants, ranging from small to medium-sized boats, capable of interdiction operations in coastal waters.

## **CURRENT ICE CAPABILITIES**

The mission of ICE is to conduct criminal and civil investigations and enforcement of federal laws governing border control, customs, trade, and immigration. Unlike the CBP, which focuses on physically securing the nation's border, ICE serves as the principal investigative arm of the DHS. Like the CBP, ICE lacks the DoD's detailed doctrine to guide operations. However, since the agency focuses on investigation, ICE operates within the legal authorities provided by Congress. Unlike CBP, ICE possesses legal authorities that allow its organization to look beyond the U.S.-Mexican border. For example, ICE has the authorities granted under USC Title 18 (General Smuggling), Title 19 (Customs Duties), and Title 21 (Narcotics Violations) to investigate the full spectrum of smuggling crimes. These authorities are crucial to the overall effort along the southwest border because they provide the means to investigate TCO operations at its source. For this reason, ICE is not only the investigative arm of DHS, but for CBP as well. Collaborative challenges between the two organizations still exist.

To accomplish its mission on the southwest border, ICE employs

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nine border enforcement task forces, which are multi-agency organizations focused on alien smuggling, drug smuggling, firearms smuggling, and transnational gangs. Many, including current DHS Secretary Janet Napolitano, see the border enforcement task forces as a way to bridge the gap in interagency cooperation as well as the gap between U.S. and Mexico cross-border investigative relations.<sup>61</sup>

To effectively harness its investigative capabilities and ensure continued success, ICE employs the Office of Training and Development, which is responsible for technical, educational, and career programs. Unfortunately, this training focuses primarily on the new recruit and offers few programs for advanced training and education.

### **REQUIRED CAPABILITIES**

To combat a likely alliance between the Mexican-based TCOs and extremist groups, CBP and ICE require effective capabilities to interdict illicit smuggling. The DoD *Dictionary of Military and Associated Terms* defines interdiction as “activities conducted to divert, disrupt, delay, intercept, board, detain, or destroy, as appropriate, vessels, vehicles, aircraft, people, and cargo.” Despite this definition, current military doctrine lacks detailed requirements for units (or organizations) involved in border interdiction. However, Vietnam-era military doctrine provides a framework for border interdiction and the necessary capabilities required for mission accomplishment.

According to U.S. Army Field Manual (FM) 31-55, *Border Security/Anti-infiltration Operations*, published in 1968, the required capabilities for successful border security and interdiction are detection; command, control, and communications; response forces; air surveillance; and electronic warfare. Although this doctrine is more than forty years old, the identified capabilities still hold true today. For example, the most recent CBP strategic plan identifies five strategic objectives that directly nest with FM 31-55.<sup>62</sup> For the most part, CBP and ICE possess the materiel capabilities required for border interdiction and security. So why do these agencies only interdict 10 percent of illicit trafficking? The required capabilities to effectively safeguard the nation’s border and prevent the realization of the “dangerous alternative” require unity of effort, intelligence sharing, air and maritime coordination, and cooperative strategic planning among JTF-North, CBP, and ICE. However, current JTF-North, CBP, and ICE capabilities do not meet the requirements for a comprehensive approach for effective border interdiction operations.

### **CAPABILITY GAPS**

ICE and CBP lack unity of effort, effective intelligence fusion, air

cooperation and coordination, and the capacity to control the entire southwest border. JTF-North lacks authority, military capability, and workforce and is further constrained by current policy.

In 2007, the DHS Office of the Inspector General conducted an inquiry into coordination challenges between CBP and ICE and found the respective agencies were confused about the roles and responsibilities of each organization.<sup>63</sup> As recent as February 2012, the inspector general's report on information sharing found the operational challenges remain unresolved.<sup>64</sup> This systemic lack of unity of effort prevents the two organizations from applying the combined strengths of their respective capabilities against threats on the border.

Some of these capabilities are to collect, synthesize, and disseminate intelligence. According to the 2007 report, intelligence sharing between ICE and CBP was problematic; a problem that continues today. For example, ICE shares information with CBP on a "need to know" basis, forcing the CBP to conduct its own intelligence collection activities. This failure to share information results in two distinct intelligence views, separates intelligence from operations, and creates a perception that ICE does not support CBP operations.<sup>65</sup> Stove-piped intelligence analysis prevents compiling a comprehensive, common operational picture of the threat along the southwest border. Separating intelligence from operations prevents creating a virtuous cycle of intelligence feeding operations that generate information and more intelligence.

In addition to the lack of a shared comprehensive intelligence capability, CBP lacks the ability to coordinate air assets internally and with other agencies effectively. For example, only the sector chief who sends up an aircraft knows the asset is in the air, even if it is flying in or near another sector. Internally, this lack of coordination diminishes other sector chiefs' awareness of what is happening within their sectors and precludes multi-tasking those assets. Externally, the existing system is cumbersome, wreaked with bureaucracy, and time consuming.<sup>66</sup>

Finally, even if the gaps between CPB and ICE were resolved, CPB lacks the inherent capability to control the two-thousand-mile border with Mexico. In recent testimony to Congress, Richard Stana of the Government Accountability Office stated the CBP reported achieving operational control over only 44 percent of the southwest border in 2010. At a cost of over three billion dollars, this percentage of operational control is dismal, not to mention unsustainable in the current budget environment.<sup>67</sup> It would seem that the U.S. military could provide the capabilities necessary to fill this gaping hole in coverage, but JTF-North has capabilities shortfalls as well.

Currently JTF-North lacks existing capability and is limited by

**Stove-piped intelligence analysis prevents compiling a comprehensive, common operational picture of the threat along the southwest border.**



**Despite the current lack of assigned forces to JTF-North and constraints of DoD policy, solutions to overcome the challenges for safeguarding the southwest border are feasible.**

current U.S. policy. JTF-North has no assigned forces or authority to task units to provide support to CBP and ICE. In addition, current U.S. policy limits the use of military forces supporting counterdrug operations by mandating that a request for support come from a counterdrug law enforcement agency, capping the amount of workforce associated with a counterdrug mission, and limiting the amount of time military units can support a specific mission.<sup>68</sup>

The JTF's lack of assigned forces and tasking authority drives it to rely primarily on volunteer active duty and reserve component units and individual service members to execute its homeland security support missions. According to the command's website, the most needed capabilities are medical, aviation, engineer, and mobile training teams. JTF-North's willingness to pay most of the costs associated with the support provided by units highlights a situation where demand is much greater than the supply.

Despite the gap in assigned forces, DoD policy constrains the U.S. military from establishing a proactive and enduring approach to border support operations. The Chairman of the Joint Chiefs of Staff, in accordance with the Stafford Act, issued instructions that military counterdrug support must originate with an appropriate federal agency officially responsible for counterdrug activities. In addition, support is limited to no more than 400 personnel with a single mission that cannot exceed 179 days without approval of the Secretary of Defense or President.<sup>69</sup> Taken as a whole, these constraints make assigning forces to JTF-North impractical.

Without a change to JTF-North's existing capability and current DoD policy, the ability for military forces to meet the needs of both ICE and CBP today and in the future places U.S. national security in jeopardy. U.S. Army doctrine provides insight on what it takes to secure borders and deny access into the country. Despite the current lack of assigned forces to JTF-North and constraints of DoD policy, solutions to overcome the challenges for safeguarding the southwest border are feasible.

## Recommended Solution— Domestic Security Cooperation

DoD and DHS must adopt a new approach to ensure the nation is fully prepared to deal with the “dangerous alternative.” This new approach, called domestic security cooperation (DSC), leverages DoD capabilities, experience, and capacities to assist the interagency in building its own capacity. Based on the same fundamental principles (direct and indirect support) of foreign security cooperation used by geographic combatant commanders across the globe, DSC focuses on the homeland. Within this new framework, DoD provides direct support by assisting local security and law enforcement, providing logistics, building intelligence cooperation between organizations, and conducting military civic action. Indirectly, DoD provides support through training and education, combined exercises, and exchange programs.<sup>70</sup> By adopting DSC as a new approach to homeland security and defense, the nation will truly harness the capabilities of both DoD and DHS to stand ready for the uncertainties of tomorrow.

Applying DSC along the southwest border provides a solution to the incongruities between ICE and CBP. Today, DoD has the capability to build capacity within both agencies to establish the organizational construct necessary for unity of effort and intelligence sharing and to streamline CBP air operations. DoD can use its ten years of experience in Iraq and Afghanistan to coach ICE and CBP on how to extend operational control over vast swaths of terrain with limited forces.

The remainder of this section will use doctrine, organization, and training to frame potential, capability-gap solutions and policy to round out the assessment.

### DOCTRINE

The U.S. Army defines doctrine as, “fundamental principles by which the military forces or elements thereof guide their actions in support of national objectives. It is authoritative but requires judgment in application.”<sup>71</sup> In addition, doctrine serves as justification for designing force structure and resourcing the personnel, equipment, and training for that structure. While current doctrine provides fundamental principles related to defense support of civil authorities, it does not adequately address sustained defense support to domestic border security operations. Filling these doctrinal shortfalls requires a change in Joint and Army doctrine that accounts for the shortfalls in CBP and ICE capability and acknowledges the need for sustained, military assistance to domestic security. To do

**DoD can use its ten years of experience in Iraq and Afghanistan to coach ICE and CBP on how to extend operational control over vast swaths of terrain with limited forces.**



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this DoD could update TRADOC Pamphlet 525-8-4, *U.S. Army's Concept for Building Partnership Capacity* to include concepts for support to the homeland. Additionally, the capabilities for border security outlined in FM 31-55 can serve as a framework for the potential capabilities required for building partnership capacity in the homeland.

Two of these capabilities include detection and response. Each of these capabilities requires effective management and allocation of aircraft. To assist the CBP in providing seamless support to ICE, NORTHCOM, as a joint headquarters and a direct link to NORAD, can build capacity in air asset management by implementing the air tasking order (ATO) process. The ATO is a structured method used to assign and disseminate projected sorties, capabilities, and forces to specific missions. This centralized approach to air asset management would break down the existing stove-piped system and ensure that crucial air assets, such as Predator drones, support priority targets across the depth and breadth of the border.

## **ORGANIZATION**

Sound doctrine is of no value if an ineffective organizational construct exists within an institution. Effective organizations leverage the talent within their ranks and set the conditions for the information sharing to ensure collective understanding and mission accomplishment. Both U.S. Southern Command (SOUTHCOM) and U.S. Pacific Command (PACOM) have a Joint Interagency Task Force (JIATF) to unify efforts between the DoD and other U.S. government agencies within their geographic areas of responsibility. The JIATFs integrate DoD and federal law enforcement agency capabilities to combat illicit trafficking and include these agencies in the chain of command. Although focused in different regions of the world, both organizations seek to unify efforts for a common cause. To build unity of effort along the southwest border, NORTHCOM can build on the successes of both SOUTHCOM and PACOM by establishing a JIATF for the southwest border that includes representatives of law enforcement and intelligence agencies including ICE and CBP. Such an organization would enhance the comprehensive approach necessary for preventing narco-terrorism along the U.S.-Mexican border.

Key to preventing infiltration along the southwest border is timely and actionable intelligence. Currently, ICE and CBP lack the collaborative framework to collect and share intelligence and, as a result, do not have a sufficient targeting process. To overcome this gap, the JIATF should organize a joint intelligence coordination cell to identify potential threats before they reach the nation's border and to disseminate the information to all agencies required for

interdiction. Key to this effort is clarifying the role of ICE as the lead investigative arm of CBP. Additionally, adopting the military targeting process that focuses on linking objectives with effects will further aid in accomplishing the overall unified vision.

To ensure that needed support is available to both ICE and CBP, organizational change must occur within NORTHCOM, specifically JTF-North. Based on the required capabilities highlighted previously, JTF-North should be converted to a JIATF and assigned forces from capabilities that exist within DoD. Under the existing U.S. Army force structure, regionally assigning a maneuver enhancement brigade to JTF-North meets the critical requirements for supporting ICE and CBP in border security and anti-infiltration operations. However, this force will require additional training to meet the unique needs of the interagency while operating in a homeland-security environment.

## **TRAINING**

Any force assigned to JTF-North requires specialized training to accomplish its mission. In addition to maintaining proficiency in tactics, techniques, and procedures for border security and anti-infiltration operations, the military force will also require the capability to train CBP and ICE in response force operations, air asset management, and intelligence fusion. Military forces working with the interagency will also require cultural and rules of engagement training. This training capacity should leverage the lessons learned in Afghanistan and Iraq counterinsurgency operations.

These lessons learned will provide answers for continued challenges facing ICE and CBP as they continue to wrestle with the depth and breadth of the southwest border. Although the combined work force of ICE and CBP is more than a U.S. Army division, less than half of the natural border with Mexico is under U.S. operational control. However shocking this may be to some policy-makers, the U.S. military deals with this challenge daily in places like Afghanistan and Iraq, where the U.S. military covers more ground with less Soldiers and Marines. To overcome this disadvantage, U.S. forces employ technology, including drones, ground sensors, and robust networks to support information sharing. This real-world knowledge and experience, implemented through combined training exercises, education, and exchange programs, will assist the interagency in better operational planning and force allocation.

## **POLICY**

The final requirement for solving the gap in capabilities is changing statutes as well as military and national policy. The foundation of DoD support to law enforcement agencies within the

**Any force assigned to JTF-North requires specialized training to accomplish its mission.**

U.S. stems from the Stafford Act. This statutory constraint requires that a formal request for support come from a local or state entity. Nested with this constraint, DoD support along the southwest border hinges on requests for support from law enforcement agencies and limits the number of service members and time afforded to a specific mission. These constraints currently prevent changes to doctrine, organization, and training, because to do so is counter-intuitive. Therefore, a change to both the law and joint policy is required to ease restrictions that prevent federal authorities from effectively using all national resources to combat national-level problems, such as securing the nation's borders.

## Conclusion

**The emerging threats to the nation and the shortfalls in the capabilities to counter those threats highlight the need for a different approach to homeland security and defense.**

The emerging threats to the nation and the shortfalls in the capabilities to counter those threats highlight the need for a different approach to homeland security and defense. Using the increased violence on the southwest border and potential alliance of Mexican-based TCOs and extremist groups as a possible future threat to national security, this analysis attempts to highlight the inadequacy of the current approach to homeland security and defense, which hinges predominately on the cooperation between ICE and CBP and assistance provided by JTF-North. However, the lack of cooperation and capability among the three organizations prevents an effective deterrent against the potential tidal wave of instability brewing south of the border. To reverse the tide requires a comprehensive approach, including unity of effort, increased intelligence sharing, effective air asset management, and use of sensors and workforce to cover the more than two thousand miles of border with Mexico. Leveraging the U.S. military can fill the void and provide the necessary capability and capacity to enhance interagency efforts.

President Barack Obama's National Security Strategy 2010 states the U.S. government must improve the integration of skills and capabilities within our military and civilian institutions and build capacity in key areas where the U.S. falls short. The DHS 2010 QHRS echoes the same theme of U.S. military and interagency cooperation. These documents clearly state the strategic end state in regards to the cooperation of the U.S. military and interagency in providing homeland security but do not describe a way forward.

Domestic security cooperation, a modified form of the foreign internal defense and security cooperation programs the military has executed for several decades with foreign partners, is that way forward. However, to ensure the success of this powerful interagency partnering approach, the commander of NORTHCOM needs

sufficient resources for the task, including assigned units and their inherent capabilities. Assigning units to NORTHCOM provides the commander with options to establish a robust, domestic-security, cooperation plan that builds capacity through direct and indirect support to the interagency and responds to unforeseen contingencies within the homeland. This new approach will not only benefit the DHS, but also the U.S. Army by providing real-world application of DoD Directive 3000.05 by making stability operations equal to combat operations. Although this analysis focused on the interaction between NORTHCOM, CBP, and ICE as applied to the southwest border, it can also apply to other interagency organizations operating within the homeland. Further research is necessary to understand maritime coordination between the U.S. Coast Guard and CBP, efforts along the northern border with Canada, and U.S. military assistance to the Drug Enforcement Agency. Through this continued research and synthesis of information, perhaps the U.S. government can create more effective and efficient approaches to some of its most complex challenges. **IAP**

**Domestic security cooperation, a modified form of the foreign internal defense and security cooperation programs the military has executed for several decades with foreign partners, is that way forward.**

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